

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE CONCRETE AND CEMENT
ADDITIVES ANTITRUST LITIGATION

24-MD-03097 (LJL)

**[PROPOSED] ORDER GRANTING
INDIRECT PURCHASER
PLAINTIFFS' UNOPPOSED
MOTION FOR APPOINTMENT OF
KAPLAN FOX & KILSHEIMER
LLP, LOCKRIDGE GRINDAL
NAUEN PLLP, AND CUNEO
GILBERT & LADUCA, LLP AS
INTERIM CO-LEAD COUNSEL
FOR THE PROPOSED INDIRECT
PURCHASER CLASSES**

This Document Relates To:

All Indirect Purchaser Plaintiff Actions

1-23-cv-10875-LJL
1:24-cv-00460-LJL
1:24-cv-00512-LJL
1:24-cv-00564-LJL
1:24-cv-03026-LJL
1:24-cv-03224-LJL
1:24-cv-03229-LJL
1:24-cv-03256-LJL

WHEREAS, the law firms of Kaplan, Fox & Kilsheimer LLP (Kaplan Fox), Lockridge Grindal Nauen PLLP (Lockridge) and Cuneo, Gilbert & Laduca LLP (Cuneo) have filed a motion and supporting papers to be appointed as Interim Co-Lead Counsel for the Indirect Purchaser Plaintiff classes; and,

WHEREAS, the motion is unopposed; and,

WHEREAS, good cause has been shown for granting the motion including the work that the three firms have done in preparing this case and their experience in prosecuting antitrust and other complex litigation.

NOW THEREFORE IT IS HEREBY:

ORDERED that the motion to appoint Kaplan Fox, Lockridge, and Cuneo as Interim Co-Lead Counsel for the putative Indirect Purchaser Plaintiff classes is GRANTED. Kaplan Fox,

Lockridge and Cuneo will be responsible for the overall conduct of the litigation on behalf of the putative Indirect Purchaser Plaintiff classes, including supervising all counsel representing plaintiffs in the putative Indirect Purchaser Plaintiff classes in this litigation. As Interim Co-Lead Class Counsel, Kaplan Fox, Lockridge and Cuneo have the authority to:

- a. Promote the efficient conduct of this litigation and avoid unnecessary duplication and unproductive efforts by making and supervising all work assignments;
- b. Prepare and file the Consolidated Class Complaint on behalf of the putative Indirect Purchaser Plaintiff classes, and any subsequent pleadings;
- c. Make, brief, and argue motions;
- d. Delegate specific tasks to other counsel for the Indirect Purchaser Plaintiffs, as appropriate to serve the best interests of the putative classes, and in a manner to ensure that pretrial preparation for the Indirect Purchaser Plaintiffs is conducted efficiently and effectively;
- e. Conduct all pretrial, trial, and post-trial proceedings on behalf of the putative Indirect Purchaser Plaintiff classes and act as a spokesperson for such classes;
- f. Conduct and coordinate discovery on behalf of the putative Indirect Purchaser Plaintiff classes consistent with the Federal Rules of Civil Procedure, including preparing (or responding to) written discovery requests and examining (or defending) witnesses in depositions;
- g. Monitor activities of the Indirect Purchaser Plaintiffs' counsel to whom they delegate assignments, and implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided by collecting from each firm regular time and expense reports;
- h. Negotiate with defense counsel with respect to settlement and other matters;
- i. Prepare any application for an award (or approval) of attorneys' fees and the

reimbursement of litigation expenses incurred by the putative Indirect Purchaser Plaintiff classes;

j. Consult with and retain expert witnesses for the putative Indirect Purchaser Plaintiff classes;

k. Negotiate with, retain, and manage relations with outside vendor(s) for the collection, processing, or review of documents and electronically stored information produced in discovery;

l. Conduct or coordinate all negotiations with defense counsel regarding search and production protocols, manage the review of documents produced by defendants and third parties (and the production of documents by the putative Indirect Purchaser Plaintiffs), and implement advanced analytics for the efficient review of documents, as appropriate;

m. Coordinate and communicate as necessary with counsel for other parties in the litigation regarding any matters addressed in this Order to ensure efficient use of Indirect Purchaser Plaintiffs', defendants,' and the Court's time;

n. Ensure that all counsel for the Indirect Purchaser Plaintiffs and the Indirect Purchaser Plaintiff classes are informed of the progress of this litigation as necessary; and

o. Otherwise coordinate the work of counsel for the Indirect Purchaser Plaintiffs, and perform such other duties as Interim Co-Lead Class Counsel deem necessary and appropriate based upon their judgment and consideration or as authorized by further Order of the Court.

Dated: July 9, 2024



U.S.D.J. HON. LEWIS J. LIMAN